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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177036
Party	Defendant Mujahid Ahmad
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Submission	Answer
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Date	04/15/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Serial No.  
Filed on  
For the Mark  
Published for Opposition on

78/866376  
April 20, 2006  
NATIONSTAR  
January 2, 2007

Nationstar Mortgage LLC,  <i>Opposer</i>  vs.  Mujahid Ahmad,  <i>Applicant</i>	Opposition No. 91177036
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**APPLICANT'S ANSWER TO OPPOSER'S AMENDED NOTICE OF OPPOSITION**

Applicant, Mujahid Ahmad, hereby answers the Amended Notice of Opposition of Opposer, Nationstar Mortgage LLC, to Applicant's trademark application Serial No. 78866376 as follows:

1. Applicant admits the allegations of paragraph 1 of the Amended Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Amended Notice of Opposition and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Amended Notice of Opposition and therefore denies the same, except admits that a record of the PTO shows Opposer to

be the owner of trademark applications of the name NATIONSTAR MORTGAGE and NATIONSTAR MORTGAGE and design for the services alleged in paragraph 3 of the Amended Notice of Opposition.

4. Applicant admits the allegations of paragraph 4 of the Amended Notice of Opposition.

5. Applicant denies the allegations of paragraph 5 of the Amended Notice of Opposition.

6. Applicant denies the allegations of paragraph 6 of the Amended Notice of Opposition.

7. Applicant denies the allegations of paragraph 7 of the Amended Notice of Opposition.

8. Applicant denies the allegations of paragraph 8 of the Amended Notice of Opposition, except admits that Applicant was successful in procuring favorable examination, allowance and publication of its trademark application.

9. Applicant denies the allegations of paragraph 9 of the Amended Notice of Opposition, except admits that Applicant was successful in procuring favorable examination, allowance and publication of its trademark application.

10. Applicant admits the allegations of paragraph 10 of the Amended Notice of Opposition, except denies the allegations in footnote 1 to this paragraph.<sup>1</sup>

11. Applicant denies the allegations of paragraph 11 of the Amended Notice of Opposition.

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<sup>1</sup> Applicant admits that its email address displayed twice in the specimen submitted to the Examiner contains the term and registered service mark "Realtor"® and denies that applicant is neither a Realtor® agent, a member of the National Association of Realtors, nor licensed to use that registered mark.

12. Applicant denies the allegations of paragraph 12 of the Amended Notice of Opposition, except admits that Applicant was successful in procuring favorable examination, allowance and publication of its trademark application.

13. Applicant denies the allegations of paragraph 13 of the Amended Notice of Opposition, except admits that Applicant was successful in procuring favorable examination, allowance and publication of its trademark application.

14. Applicant repeats and realleges its responses in paragraphs 1 through 13 above in response to paragraph 14 of the Amended Notice of Opposition.

15. Applicant denies the allegations of paragraph 15 of the Amended Notice of Opposition.

16. Applicant denies the allegations of paragraph 16 of the Amended Notice of Opposition.

17. Applicant repeats and realleges its responses in paragraphs 1 through 16, above, in response to paragraph 17 of the Amended Notice of Opposition.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Amended Notice of Opposition and therefore denies the same.

19. Applicant admits the allegations of paragraph 19 of the Amended Notice of Opposition.

20. Applicant denies the allegations of paragraph 20 of the Amended Notice of Opposition, except that Applicant admits that it filed Application Serial No. 78/866,376 on April 20, 2006.

21. Applicant denies the allegations of paragraph 21 of the Amended Notice of Opposition.

22. Applicant denies the allegations of paragraph 22 of the Amended Notice of Opposition.

23. Paragraph 23 of the Amended Notice of Opposition states a legal conclusion and does not contain a factual allegation that warrants an answer by Applicant, except to the extent that it states that the NATIONSTAR mark is displayed in close proximity to the phrase MORTGAGE, INC. in the Applicant's specimen of use, to which Applicant admits.

24. Paragraph 24 of the Amended Notice of Opposition states a legal conclusion and does not contain a factual allegation that warrants an answer by Applicant.

25. Applicant denies the allegations of paragraph 25 of the Amended Notice of Opposition to the extent that Opposer alleges that it has prior and superior rights. Paragraph 25 of the Amended Notice of Opposition further states a legal conclusion and does not contain a factual allegation that warrants an answer by Applicant.

26. Applicant admits the allegations of paragraph 26 of the Amended Notice of Opposition.

27. Applicant denies the allegations of paragraph 27 of the Amended Notice of Opposition.

28. Applicant denies the allegations of paragraph 28 of the Amended Notice of Opposition.

### AFFIRMATIVE DEFENSES

1. Applicant filed its Application Serial No. 78/866,376 in good faith. It acted in good faith when it reasonably stated that it used the NATIONSTAR mark in commerce in the United State for the services identified in its NATIONSTAR application. Applicant acted in good faith when it amended the filing basis of its Application Serial No. 78/866,376 from 1(a) to 1(b) pursuant to 37 C.F.R. §2.133(a).

2. Applicant's filing date for Application Serial No. 78/866,376 is April 20, 2006.

3. Upon information and belief, Opposer's filing date for its Application Serial No. 78/871,883 for the mark NATIONSTAR MORTGAGE and for its Application Serial No. 78/872,148 for the mark NATIONSTAR MORTGAGE and design is April 28, 2006.

4. Upon information and belief, Opposer's had not used the mark NATIONSTAR MORTGAGE or the mark NATIONSTAR MORTGAGE and design in interstate commerce in the United States prior to Opposer's filing date for its applications on April 28, 2006. Opposer has not made any claim that it used either mark in interstate commerce in the United States.

5. Upon information and belief, Opposer knew of Applicant's use or intention to use the NATIONSTAR mark for the services cited in Applicant's Application Serial No. 78/866,376 prior to filing its applications for the marks NATIONSTAR MORTGAGE or the mark NATIONSTAR MORTGAGE and design.

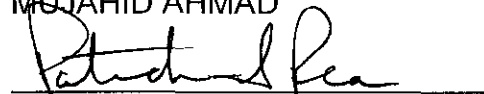
6. Upon information and belief, Applicant's rights to its NATIONSTAR mark are prior and superior to any rights that Opposer may have in its NATIONSTAR MORTGAGE or the mark NATIONSTAR MORTGAGE and design marks.

WHEREFORE, Applicant requests that the opposition be dismissed with prejudice and further requests that Application Serial No. 78/866,376 be allowed to proceed to registration.

Respectfully submitted,

MUJAHID AHMAD

Date: April 15, 2010

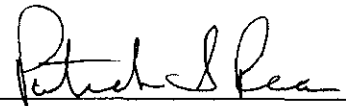


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# CERTIFICATE OF MAILING

I hereby certify that on April 15, 2010, the foregoing Applicant's Answer to Opposer's Amended Notice of Opposition is being deposited with the United States Postal Service, with sufficient postage as first-class mail, in an envelope addressed to

S. Lloyd Smith  
Bryce J. Maynard  
Buchanan, Ingersoll & Rooney PC  
P.O. Box 1404  
Alexandria, VA 22314

  
Patrick I. Rea